EXHIBIT 116

Excerpts of Deposition of Lorenzo J. Fertitta

UNITED STATES DISTRICT COURT

1

DISTRICT OF NEVADA

Cung Le, Nathan Quarry, Jon
Fitch, on behalf of
themselves and all others
similarly situated,

Plaintiffs,)

v.

v.

Lead Case No.
2:15-cv-01045-RFB-(PAL)

Zuffa, LLC, d/b/a Ultimate
Fighting Championship and
UFC,

Defendant.)

CONFIDENTIAL

VIDEOTAPED DEPOSITION OF LORENZO J. FERTITTA

Las Vegas, Nevada

March 23, 2017

9:09 a.m.

REPORTED BY: CYNTHIA K. DURIVAGE, CSR #451 JOB NO. 49608

LORENZO J. FERTITTA - CONFIDENTIAL

162 164 1 contest, and they turn that down, then we would get 1 And, you know, certainly, if it was a 2 additional time to be able to perform on our end of 2 fighter that we were interested in going forward and 3 3 wanting to have them fight for us, we would be the contract. 4 Q. So the contract is extended, effectively? 4 willing to sit down with them and offer a new set of 5 A. It extends, correct. 5 terms for a new contract. 6 Q. Okay. And then, does Zuffa, say, from 2009 6 Q. With respect to the three fighters that you 7 7 to August of 2016, did it from time to time renew referred to, Overeem, Melendez, and Henderson, whom 8 contracts with fighters? 8 you believe completed their contracts, were the 9 A. Yes. 9 contracts that you were referring to with Zuffa or 10 10 some other organization that Zuffa acquired? Q. And can you think of any instances where a 11 fighter completed the term of his or her contract; 11 A. So with Alistar Overeem, I believe it was a 12 that is, the time period or the number of fights were 12 Zuffa contract. With Benson Henderson, it was a 13 13 Zuffa contract. completed as specified in the contract? 14 A. Yes. 14 I can't remember if Gilbert Melendez was 15 15 fighting under a Forza contract, a Zuffa contract, or Q. And how many of those are there that you 16 16 a Strikeforce contract. can think of? 17 A. There's quite a bit. I can specifically 17 You know, there's also others. You know, 18 18 Phil Davis, I know, completed his -- fought out his remember some examples for you. 19 Alistar Overeem being one. I believe 19 UFC contract. So it happened. And that's obviously 20 Gilbert Melendez was one. Benson Henderson is 20 up to the fighter. I mean, it's their decision. 21 another. 21 Q. I'm sorry. What's their decision? 22 22 A. Whether or not to finish out their Q. With respect to those fighters that did not 23 23 complete the full term of their contract, like the contract 24 24 Q. Well, it could -- that decision could three that you've identified thus far, would Zuffa 25 generally seek to renew a contract before the term 25 depend on any number of factors, such as them getting 163 1 expired? 1 another bout, correct, meaning -- that is, meaning 2 MR. ISAACSON: Objection. I thought he 2 that the fighter may be asked to extend the contract 3 named people who did, that did complete the term. 3 before he or she is provided with a bout or a bout 4 MR. DELL'ANGELO: He said with the 4 agreement under the existing contract, correct? 5 exception of the three that he had --5 MR. ISAACSON: Objection to form, vague. 6 MR. ISAACSON: He said --6 THE WITNESS: Well, no, that wouldn't be 7 MR. DELL'ANGELO: I'll withdraw the 7 the case. Otherwise, Alistar, Gilbert, Phil Davis, question. 8 8 Benson wouldn't have completed their contract. 9 MR. ISAACSON: No, he said with respect --9 BY MR. DELL'ANGELO: 10 10 MR. DELL'ANGELO: I'll withdraw the Q. It wouldn't be the case with respect to 11 question and restate it. Thank you. 11 them, but what about with others whom Zuffa had 12 BY MR. DELL'ANGELO: 12 contracts with? 13 13 Q. So with the exception of the three A. No, that was not our general practice. 14 individuals whom you've identified, Mr. Melendez, 14 Q. When you say, "general practice," what do 15 Mr. Henderson, and Mr. Overeem, did Zuffa generally 15 vou mean? 16 seek to renew fighters' contracts before the term was 16 A. What I mean is that we were contracted for, 17 17 completed? as we mentioned, a number of fights that also 18 A. Yes. 18 included a number of fights over a term, over a time 19 19 period. Q. And why so? 20 A. As a general business practice, one of the 20 It was our practice to not breach contracts 21 things that we would do was, I think which any 21 and live up to the contracts that we signed. That's 22 22 business would do, you would look to see how many what I mean by that. 23 23 fights are left on a fighter's contract, how much Q. I see. I guess, though, with respect to 24 time and what the term is left on the fighter's 24 renewals, aren't we really talking about a different 25 25 contract. thing; that is, the general practice that you've --

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LORENZO J. FERTITTA - CONFIDENTIAL

168 166 1 as you've used that term -- the general practice of Q. And he is somebody that you dealt with in 2 2 your capacity at Zuffa? re-signing a fighter to a new contract before it 3 3 A. Yes. expires versus breaching a contract are really 4 different things, aren't they? 4 Q. Do you recall that Mr. Attar represented a 5 MR. ISAACSON: Objection, form, 5 fighter Mike Bisping? 6 6 A. Yes, he does. argumentative. 7 7 THE WITNESS: Clearly, they are two Q. Okay. Did you have communications with 8 8 different things, yes. Mr. Attar regarding his representation of Mr. Bisping 9 So our intention was not to breach 9 in your capacity at Zuffa? 10 10 A. Bisping was not one of the fighters that I contracts, and yes, we did offer, many times, 11 11 typically took the lead on. That was, for whatever fighters who were not done with their contract new 12 12 contracts. But also, many times, fighters approached reason, more Dana. I dealt with Audie primarily 13 13 because he represented Conor McGregor. That was the us and said they wanted a new contract before their 14 contract term was complete as well. 14 fighter that I dealt with primarily with Audie. 15 15 I mean, I may have had conversations, I BY MR. DELL'ANGELO: 16 16 probably did have some conversations with him at some Q. Mr. Fertitta, I'm handing to the 17 17 point about Michael Bisping, but Michael was one of reporter -- I'm going to cause to be handed to the 18 18 the fighters that had a better relationship with reporter what will be marked as Exhibit 24. 19 19 Dana White. (Exhibit 24 was marked for 20 20 identification by the reporter.) Okay. Returning to page 21 21 174 of 178 on Exhibit 24, would you turn your BY MR. DELL'ANGELO: 22 22 attention, please, to the fourth row from the bottom. Q. So I will represent to you, Mr. Fertitta, 23 23 And you'll see in the front column, it that Exhibit 24 is a series of text messages that 24 24 says, "Audie Attar," and then, the "To" reflects your were produced by Zuffa's counsel in the litigation, 25 and the exhibit begins at ZFL-1897652. 25 phone number, the 167 169 1 Would you just look at the second row of A. Yes. 1 2 the first column of the document, you'll see the text 2 Q. Do you see that? 3 in the box is plus 3 A. Yes. 4 Do you see that? 4 Q. Okay. If you move over to the column 5 A. Yes. 5 marked "Text" --6 6 Q. Is that your telephone number? A. Yes. 7 A. Yes. 7 Q. - in the far right end of the page. 8 Q. And is that telephone number associated 8 A. Yes. 9 with a device that you used to send and receive texts 9 Q. It says: 10 in your capacity as an owner or executive at Zuffa? 10 "Hi Lorenzo. Joe Silva told me to 11 11 A. Yes. reach out to you and Dana regarding 12 Q. So would you turn to page what is numbered 12 Mike Bisping. He said Mike needs to 13 13 174 of the document, the control number is sign an extension before he books 14 ZFL-1897825. 14 his next fight because he has one 15 15 And can you tell me who Audie Attar is? fight remaining on his current 16 A. I'm sorry, what was the page number? 16 contract. Please let me know if 17 17 Q. It's page 174 of the document. The control you're available to meet in the 18 number is ZFL-1897825. 18 coming weeks. I'd be happy to fly 19 MR. ISAACSON: 174 of 178. 19 in for the day if need be. Hope you 20 20 BY MR. DELL'ANGELO: are well. Audie Attar." 21 21 Q. While you're doing that, that who is Do you see that? 22 22 **Audie Attar?** 23 23 A. Audie Attar is a manager of mixed martial Q. Do you recall whether or not you met with 24 arts fighters. And I think he manages some 24 Mr. Attar regarding the extension of Mr. Bisping's 25 25 professional athletes in other sports, football. contract?

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LORENZO J. FERTITTA - CONFIDENTIAL

Sworn and subscribed to before me, this day of 21 , 2017. 22 23		302		304
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tis imperative that you return the original errata sheet to the deposing attorney within thirty that are within the foregoing proceedings were taken before me at the time and place herein set forth; that and wither was thereafter transcribed under my direction; that the foregoing proceedings were taken before me at the time and place herein set forth; that and wither was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given. I further certify! am neither financially interested in the action nor a relative or employee of the subscribed my name. Dated: April 6th, 2017 It is imperative that you return the original errata sheet to the deposing attorney within thirty errata sheet to the deposing attorney with thirty errata sheet to the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court. It was be deemed to be accurate and may be used in court. It was be deemed to be accurate and may be used in court. It was be deemed to be accurate and may be used in court. It was be deemed to be accurate and may be used in court. It was be deemed to be accurate and may be used in court. It was be deemed to be accurate and may be used in court. It was be deemed to be accurate and may be used in court. It was be deemed to be accurate and may be used in court. It was be deemed to be accurate and may be used in court. It was be deemed to be accurate and may be used in court. It was be deemed to be accurate and may be used in court. It was be deemed to be accurate and may be used in court. It was be deemed to be accurate and may be used in court. It was be deemed to be accurate and may be used in court. It was be deemed to be accurate and may be used in court. It was be deemed to be accurate and may be used in court. It was be deemed to be accurate and may be used in court. It was be deemed to be accurate and may be used in court. It was be deemed to be accurate and was excurat				-
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LORENZO J. FERTITTA 15	13	page.		
LORENZO J. FERTITTA 17 18 19 20 Sworn and subscribed to before 21 me, this day of 22 , 2017. 23 24 25 Notary Public 20 Shorthand Reporter of the State of Nevada, do hereby 24 certify: That the foregoing proceedings were taken 25 before me at the time and place herein set forth; 26 that any witnesses in the foregoing proceedings, 27 28 prior to testifying, were duly sworn; that a record 29 of the proceedings was made by me using machine 20 shorthand which was thereafter transcribed under my 21 direction; that the foregoing transcript is a true 22 function; that the foregoing transcript is a true 23 record of the testimony given. 24 interested in the action nor a relative or employee 25 of any attorney or party to this action. 26 Reading and signing by the witness was 27 requested. 28 IN WITNESS WHEREOF, I have this date 29 subscribed my name. 20 Dated: April 6th, 2017 21	14			
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